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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,653	11/30/2000	Fabrice Banctel	Q61879	5626

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EXAMINER	
PATEL, HARESH N	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/701,653	BANCTEL ET AL.	
	Examiner	Art Unit	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-9 are presented for examination.

Response to Arguments

2. Applicant's arguments, dated 1/4/2005, with respect to the rejection(s) of claim(s) 1-9 under Rich et al., 6,457,065 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action, dated 5/10/2004, is withdrawn. However, upon further consideration and search, a new ground(s) of rejection is made (please refer to the below rejections of this office action). Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Priority

4. Applicant was requested (previous office actions dated, 5/10/2004 and 11/20/2003) to submit the translated priority document in English for the foreign priority document (i.e., claimed priority, France 99 04 0472 04/01/1999) for verification, in order to benefit the effective date as 04/01/1999. However, examiner has still not received the English translated foreign priority document. Examiner has not applied prior arts for the rejection (dated between the claimed France priority date 04/01/1999 and the effective date, 3/30/2000 of this application). Applicant is requested to respond/submit the English translated foreign priority document, which

would help the examiner to know whether to apply the above-mentioned prior arts dated between 4/01/1999 and 3/30/2000.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 7, 8 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 7, 8 and 9 are attempting to claim a method of implementing a tree of distributed objects in different processes, however the claimed method does not transform physical subject matter (tangible or intangible) to a different state or thing. Also, the claimed data structure, per see is not tangibly embodied on a computer readable medium and therefore lacks a practical application because it alone cannot produce its intended outcome.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 1-6, 8, 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations, "the root of the tree", "the son object". There is insufficient antecedent basis for this limitation in the claim. Since, multiple son objects exist in the claim it is not clear which son object is referred by theses limitations.

Claim 2 recites the limitations, "the logical name received", "the longest character string", "the character string of the logical name", "said father object", "the logical access path of the first object", "the father object". There is insufficient antecedent basis for this limitation in the claim. Since, multiple father objects exist in the claim it is not clear which father object is referred by theses limitations.

Claim 3 recites the limitations, "the father object", "said request sends the request to said first object". There is insufficient antecedent basis for this limitation in the claim. Since, multiple father objects and multiple requests exist in the claim it is not clear which father object and request is referred by theses limitations.

Claim 4 recites the limitations, "the redundancy of the processes", "the requested object". There is insufficient antecedent basis for this limitation in the claim. Since, multiple processes and multiple objects exist in the claim it is not clear which process and object is referred by theses limitations.

Claim 5 recites the limitations, "said son object". There is insufficient antecedent basis for this limitation in the claim. Since, multiple son objects exist in the claim it is not clear which son object is referred by theses limitations.

Claim 6 recites the limitations, "the son object", "the logical access path of that object from said father object", "said father object", "the character string of said logical name preceded by the character string". There is insufficient antecedent basis for this limitation in the claim.

Since, multiple son objects and multiple father objects exist in the claim it is not clear which son object and father object is referred by theses limitations.

Claim 8 recites the limitations, "the CORBA type". There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitations, "the DCOM type". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Menzies et al., 6,317,748, Microsoft (Hereinafter Menzies-Microsoft).

9. As per claim 1, Menzies-Microsoft very clearly teaches a method of implementing a tree (e.g., col., 15, lines 36 – 64, figure 8) of distributed objects (e.g., col., 6, lines 1 – 18) in different processes (e.g., col., 5, lines 28 – 59), wherein a central directory (e.g., col., 3, lines 27 – 35, col., 4, lines 51 – 64, col., 1, lines 15 – 25) is adapted to store information on objects (e.g., col., 10, lines 9 – 34) in a data structure (e.g., col., 10, lines27 – 57) at the root of the tree (e.g., col., 10, lines 15 – 35) the method comprising:

assigning to a father object (e.g., col., 15, lines 36 – 54) in a process (e.g., e.g., col., 15, lines 36 – 54), for each son object (e.g. col., 16, lines 4 – 36):

information (e.g., col., 13, lines 48 – 64) corresponding to a physical address (e.g., col., 14, lines 33 – 54) if a son object is contained in same process (e.g., col., 15, lines 36 – 54).

10. As per claim 2, Menzies-Microsoft also teaches wherein if the central directory receives a request (e.g., col., 5, lines 28 – 54) for access to a first object identified by a logical name (e.g., col., 10, lines 14 – 58, col., 15, lines 2 - 24) identifying a logical access path (e.g., col., 5, lines 28 – 54) of said first object from the central directory (e.g., col., 9, lines 26 – 44), the central directory searches its data structure for the logical name received (e.g., col., 10, lines 38 – 67) in order to send the request directly to said first object (e.g., col., 15, lines 8 – 29).

11. As per claim 3, Menzies-Microsoft also teaches wherein the father object which receives said request sends the request to said first object if it is a son object of its process (e.g., figure 8, col., 17, lines 4 – 35).

12. As per claim 9, Menzies-Microsoft also teaches wherein the method applies to a distributed object environment based on a manager of the DCOM type (e.g., col., 5, line 62 – col., 6, line 29).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menzies-Microsoft in view of Skog et al., Ericsson, 6,385,650 (Hereinafter Skog-Ericsson).

15. As per claim 4, Menzies-Microsoft teaches the claimed limitations rejected under claim 1. However, Menzies-Microsoft does not specifically mention about managing the redundancy of the processes by selecting one of several processes containing the requested object.

Skog-Ericsson teaches the well-known concept of managing the redundancy of the processes by selecting one of several processes containing the requested object (e.g., figure 6, col., 3, line 40 – col., 4, line 23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Menzies-Microsoft with the teachings of Skog-Ericsson in order to facilitate managing the redundancy of the processes by selecting one of several processes containing the requested object because the selected process would help handle the requested object. The software would help utilize the selected process in order to support the requested object using the central directory.

16. Claims 5 and 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Menzies-Microsoft in view of Collins et al., 6,687,761, Invensys Systems (Hereinafter Collins-Invensys).

17. As per claims 5 and 6, Menzies-Microsoft teaches the claimed limitations rejected under claim 1. Menzies-Microsoft also teaches wherein the son object (e.g. col., 16, lines 4 – 36) is identified in said request by a logical name (e.g., col., 10, lines 14 – 58, col., 15, lines 2 - 24) defining the logical access path (e.g., col., 5, lines 28 – 54) of that object from said father object (e.g., col., 15, lines 36 – 54) and wherein said father uses the character string of said logical name preceded by the character string (e.g., col., 10, lines 14 – 58, col., 15, lines 2 - 24) corresponding to its own logical name defining its logical access path from the central directory (e.g., col., 5, lines 28 – 54, col., 9, lines 26 – 44).

However, Menzies-Microsoft does not specifically mention about if a father object of a process receives a request relating to a son object directly it returns that request to the directory if said son object is not contained in its process.

Collins-Invensys teaches the well-known concept of if a father object of a process receives a request relating to a son object directly it returns that request to the directory if said son object is not contained in its process (e.g., col., 9, lines 18 – 38, col., 17, line 52 – col., 18, line 15, figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Menzies-Microsoft with the teachings of Collins-Invensys in order to facilitate if a father object of a process receives a request relating to a son object directly it returns that request to the directory if said son object is not contained in its process because the directory would help handle the returned request. The software would help utilize the son object to handle the returned request.

18. Claims 7 and 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Menzies-Microsoft in view of Fiszman et al., Nortel Networks, 6,115,646 (Hereinafter Fiszman-Nortel).

19. As per claims 7 and 8, Fiszman-Nortel teaches the claimed limitations rejected under claim 1. However, Menzies-Microsoft does not specifically mention about directory containing information relating to each root object of each process and a manager of the CORBA type.

Fiszman-Nortel teaches the well-known concept of directory containing information relating to each root object of each process and a manager of the CORBA type (e.g., col., 6, lines 11 – 64, figure 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Menzies-Microsoft with the teachings of Fiszman-Nortel in order to facilitate directory containing information relating to each root object of each process and a manager of the CORBA type because the directory would help handle each root object. The software would help utilize each process to handle each root object. The manager of the CORBA type would help utilize several different resources by the software.

Conclusion

20. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

March 29, 2005

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